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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,275	08/22/2006	Keiji Endo	29521US0PCT	6009
22850	7590	10/20/2010		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.				
1940 DUKE STREET			EXAMINER	
ALEXANDRIA, VA 22314			LEE, JAE W	
			ART UNIT	PAPER NUMBER
			1656	
		NOTIFICATION DATE	DELIVERY MODE	
		10/20/2010	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10590275	8/22/2006	ENDO ET AL.	29521US0PCT
		EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314		JAE W. LEE	
ART UNIT	PAPER		
		1656	20101014

DATE MAILED:

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Commissioner for Patents

The IDS filed on 10/12/2010 has been considered by the Examiner since it meets the criteria as set forth under 37 CFR 1.97. It is noted that although Qi et al. (Localization of a Second SigH Promoter in the *Bacillus subtilis* sigA Operon and Regulation of dnaE Expression by the Promoter, Journal of Bacteriology, Vol. 172, No. 10, October 1990, pp. 5631-5636, see IDS) teach promoter P4 which controls the expression of SigA during sporulation stage, there is no teaching or suggestion for inserting P4 into a region of 1 to 198 bp upstream of the polynucleotide encoding sigA. Therefore, the claimed invention is novel and unobvious over the prior art references disclosed in the IDS filed on 10/12/2010.

/Suzanne M. Noakes/
Primary Examiner, Art Unit 1656